IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.7172 OF 2005

Shri Madhukar B. Raut .. .. ..Applicant
Versus
State of Maharashtra .. .. ..Respondent

Ms Namrata Waghole for applicant
Mr.R.Y.Mirza, APP for respondent

CORAM : S.C.DHARMADHIKARI,J.

DATE : 18TH NOVEMBER, 2005

P.C.:

1. The applicant has been arrested on 23.8.2005 in connection with the offence registered vide C.R. No.126 of 2005 under Sections 395 and 420 of the Indian Penal Code. The FIR has been lodged by one Vinayak Vishwamber Vole on 23.8.2005 alleging that one Jayesh Pardhi, his wife, brother-in-law, have committed a crime punishable under the aforesaid sections. The applicant was arrested and he filed an application for regular bail. The same has been rejected by the Addl. Sessions Judge, Solapur.

2. With the assistance of the learned counsel for the applicant and Mr.Mirza, APP, I have perused the copy of the FIR. The role that is attributed to the applicant, who is carrying on business of buying and selling cattle is during one such transaction he was introduced to the complainant. After introduction of the complainant with the applicant, the applicant is supposed to have introduced him to the accused. The accused are allegedly dealing in stolen jewellery articles. The only role attributed to the applicant is that the other accused and complainant were introduced by him.

3. It is not necessary to refer to the other allegations because in the commission of the offence, it is not alleged that the applicant played any further part. Even though the investigation is in progress, if this is the role which is attributed to the applicant then that his application for regular bail ought to have been considered. In the application filed before the Court below as well as here it is reiterated that the applicant is permanently residing in Usmanabad District. He had to go to Barshi during the course of the aforesaid business. He is already arrested and there is

prima facie substance in the contention that because of the business rivalry the applicant might be involved in the entire incident.

4. The applicant is ready and willing to abide by all conditions as imposed by this Court. There are no criminal antecedents. In the light of the fact that he is ready to cooperate in the investigation, the Application for bail deserves to be granted.

. Accordingly, the following order :-

(i) The applicant shall be enlarged on bail in connection with C.R. No.126 of 2005 of Karmala Police Station, subject to furnishing a personal bond of Rs.5000/= with one surety in the like amount.

(ii) The applicant shall report to Karmala Police Station once in a week on every Friday between 4.00 p.m. to 6.00 p.m.

(iii) Bail is granted subject to condition that the applicant shall not, directly or

indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(iv) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

(v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case and shall not influence the trial court at the time of trial.

(vi) Application is disposed of in above terms.

(S.C.Dharmadhikari, J.)